



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 6, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAC-30172 - APPLICANT: FOREST CITY COMMERCIAL DEV, INC. - OWNER: LIVEWORK, LLC., ET AL

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

1. Reservation of easements for the existing facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided where such facilities exist in the area to be vacated, or as required by respective franchise agreements.
2. All development shall be in conformance with code requirements and design standards of all City Departments.
3. If the Order of Vacation is not recorded within two (2) years after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.
4. The limits of this Petition of Vacation shall be defined as the complete width of 1st Street, including the southern spandrel areas, between Garces Avenue northward to a point 24 feet south of Bonneville Avenue as shown in the "Exhibit to Accompany Legal Description" dated 03/02/09. The Order of Vacation may record in phases to coincide with abutting development activities.
5. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Bonneville/Clark One-way Couplet.
6. This Petition of Vacation shall be modified to retain a Public Drainage Easement unless otherwise allowed by the City Engineer. Pedestrian access shall be preserved through the area proposed to be vacated.
7. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation.
8. All public improvements within the area to this Order of Vacation, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.

9. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, those modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a petition to Vacate 1st Street, an 80-foot wide public right of way, commencing at Garces Avenue and continuing northeast with the exception of the last 24-feet towards Bonneville Avenue. The proposed area to be vacated consists of a 376-foot long by 80-foot wide section of 1st Street, containing approximately 30,123 square feet.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/06/79	The Board of Zoning Adjustment approved a Site Development Plan Review [Z-0100-64(109)] to allow a 31-unit apartment building on property generally located at 610 South 1st Street. The Planning Commission recommended approval on 5/10/79.
06/23/94	The Planning Commission approved a Site Development Plan Review [Z-0100-64(155)] for a second story addition to an existing office building and to waiver for additional parking.
08/20/03	Code Enforcement Case #3117 was issued for excessive weeds located around the perimeter of the site. The issue was resolved on 09/02/03.
09/15/04	The City Council approved a Site Development Plan Review (SDR-4604) for a proposed parking lot and Waivers from the Downtown Centennial Plan Parking Lot Screening Requirements, Parking Lot Landscaping Requirements, and Title 19 perimeter wall and buffer requirements on 0.72 acres adjacent to the southwest corner of Bonneville Avenue and Casino Center Boulevard. The Planning Commission recommended approval on 08/12/04.
12/16/94	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on the property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston on the south. The Planning Commission recommended approval on 12/10/94.
01/12/98	The City Council approved a Special Use Permit (U-0124-97) for a Bail Bond Service located at 111 E. Bonneville Avenue. The Planning Commission recommended approval on 12/04/97.
09/19/03	Code Enforcement Case #4516 issued for a broken swamp cooler at 611 S. 1 st Street. The issue was resolved on 10/28/03.

12/05/03	Code Enforcement Case #7381 was issued for broken concrete at 611 S. 1 st Street. The issue was resolved on 12/23/03.
09/10/04	Code Enforcement Case #21465 issued for excessive debris adjacent to the alleyway at 619 S. 1 st Street. The issue was resolved on 10/01/04.
04/06/05	Code Enforcement Case #28283 issued for excessive debris and trash at 611 S. 1 st Street. The issue was resolved on 04/26/05
12/01/06	Code Enforcement Case #48329 issued for an odor problem and utility maintenance issues at 611 S. 1 st Street. The issue was resolved on 10/18/07.
04/04/07	The City Council approved a Vacation (VAC-19234) of a 20-foot wide section of public right-of-way generally located south of Bonneville Avenue, north of Garces Avenue between Main Street and 1 st Street. The Planning Commission recommended approval on 03/08/07.
04/06/07	Staff administratively approved a Temporary Commercial Permit (TCP-21014) to allow a Temporary Commercial Parking Lot located on the northwest corner of Garces Avenue and 1 st Street. The permit expired on 04/08/07.
06/20/07	Code Enforcement Case #54626 issued for illegal storage at 623 S. 1 st Street. The issue was resolved on 09/25/07.
06/20/07	Code Enforcement Case #54623 issued for illegal storage at 623 S. 1 st Street. The issue was resolved on 09/25/07.
08/30/07	A Final Map (FMP-24316) was submitted review for a reversion to acreage of approximately 2.75 acres of the city block located from Bonneville Ave to Garces Ave, and from 1 st Street to Casino Center Blvd. The Final Map has not been recorded.
09/05/07	The City Council approved a Vacation (VAC-22542) for a 20-foot wide section of public right-of-way generally located 140 feet west of Casino Center Boulevard, between Bonneville Avenue and Garces Avenue. The Planning Commission recommended approval on 07/26/07.
06/04/08	Staff administratively approved an Extension of Time (EOT-27761) for a Petition to Vacate (VAC-19234) a 20-foot wide section of public right-of-way generally located south of Bonneville Avenue, north of Garces Avenue between Main Street and 1st Street.
08/06/08	The City Council approved a Site Development Plan Review (SDR-27948) for a proposed Transit Passenger Facility with Waivers of the Downtown Centennial Plan Build-to-Line and Streetscape Standards on 2.75 acres at the southwest corner of Bonneville Avenue and Casino Center Boulevard. The Planning Commission recommended approval on 07/18/08.
01/08/09	The Planning Commission recommended approval of an amendment (TXT-32131) to the Downtown Centennial Plan to update and revise trail alignments in the downtown area. NOTE: A 400-foot long section of the designated Art Trail located along 1 st Street was removed.

2/18/09	The City Council approved a request to amend (GPA-32130) the trail alignment maps of the Master Plan Transportation Trails and Recreation Trails Elements in order to revise all trail alignments. The Planning Commission and staff recommended approval on 01/08/09.
04/09/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #20/mh).
Related Building Permits/Business Licenses	
07/25/02	Business License #Q17-00026 issued for a court reporting firm at 112 Garces Avenue. The license was marked out on 12/20/07.
09/24/04	Business License #MO1-08299 issued for maintenance services – janitorial at 623 S. 1 st Street. The license expired on 11/15/07.
01/30/06	Business License #M08-00168 issued for a motel or rooming house at 608 S. 1 st Street.
05/01/06	Business License #A07-00181 issued for an apartment house at 619 S. 1 st Street. The license was marked out on 07/17/07.
07/20/07	Business License #A07-00293 issued for an apartment house at 611 S. 1 st Street. The license was marked out on 11/01/07.
Pre-Application Meeting	
A pre-application meeting is not required for Vacation applications.	
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	
Field Check	
10/20/08	<p>A field check was performed by staff with the following observations:</p> <ul style="list-style-type: none"> • Area to be vacated currently has on-street parking being utilized. • Relatively low amount of vehicular traffic on 1st Street was observed. • Vacant office building located on southeastern adjacent parcel with remaining property undeveloped. • Northwestern parcels are undeveloped with the exception of a small apartment building located at 608 South 1st Street.

Details of Application Request	
Site Area	
Gross Acres	Approximately 0.73 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	R.O.W. (Right-of-Way) 1 st Street	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way) 1 st Street
North	R.O.W. (Right-of-Way) 1 st Street	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way) 1 st Street
South	R.O.W. (Right-of-Way) 1 st Street	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way) 1 st Street

East	Proposed Transit Passenger Facility (SDR-27948)	C (Commercial)	R-4 (High Density Residential) under Resolution of Intent to C-2 (Limited Commercial)
West	Multi-Family Housing	C (Commercial)	C-2 (Limited Commercial) and R-4 (High Density Residential) under Resolution of Intent to C-2 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District – Office Core District	X		N/A
A-O Airport Overlay District	X		N/A
Live/Work Overlay District	X		N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Downtown Centennial Plan (Office Core District) – The subject site is located within the boundaries of the Office Core District of the Centennial Plan and is considered the central business district of the valley. It is home to both governmental and corporate office uses and supports retail, restaurant, and other service uses necessary to complete an active Office Core. A vacation of 1st Street will aid in the consolidation of two city blocks for future development.

A-O (Airport Overlay) District - The subject site is located within the 200-foot contour of the North Las Vegas Airport Overlay Map. The requested Vacation does not affect the height limitations of the Airport Overlay District.

Live/Work Overlay District - The subject site is within the Live/Work Overlay District. The requested Vacation does not affect the Live/Work standards as outlined in Title 19.06.130.

Trails – There are no trails adjacent to the area to be vacated. A recently approved General Plan Amendment (GPA-32130) removed a portion of the previous Art Trail alignment along 1st Street, between Bonneville Avenue and Garces Avenue.

ANALYSIS

A) Planning discussion

The applicant is proposing a Vacation of 1st Street to remove a 376-foot long section of 80-foot wide public right-of-way from the Office Core District. 1st Street is designated as Minor Street by the Master Plan of Streets and Highways Map and classified as a Local Street. In the provided justification letter, it is the applicant's intent to consolidate two city blocks for future development. The total area of the proposed vacation consists of approximately 30,123 square feet of public right of way.

A Site Development Plan Review (SDR-27948) was approved by the City Council on 08/06/08 for a proposed 2.75 acre Transit Passenger Facility immediately south of the requested Vacation. This project is for the relocation of the Downtown Transportation Center. The approved site plan shows access points at Bonneville Avenue and Garces Avenue only. It is anticipated that the vacation of 1st Street will have minimal impact on the site circulation as all buses that would have used this right-of-way would now use Main Street, the next closest north/south street. There is a 24-foot adjustment to the north end of the proposed area to be vacated to allow for the possibility of the future widening of Bonneville Avenue.

Staff recommends approval of this petition to Vacate 1st Street, between Garces Avenue and Bonneville Avenue.

B) Public Works discussion

The following information is presented concerning this request to vacate certain public street right of ways:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *N/A as it will completely vacate 1st Street between Garces Avenue and Bonneville Avenue.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *Somewhat as traffic which currently travels uninterrupted on 1st Street will be diverted to the adjacent streets.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to vacate right-of-way to be incorporated into adjacent development.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, the new downtown transportation facility.*

- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
- F. Does this vacation request result in a conflict with any existing City requirements?
No.
- G. Does the Department of Public Works have an objection to this vacation request?
No.

PLANNING COMMISSION ACTION

There was one speaker in favor of this application at the Planning Commission Meeting.

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 2 by City Clerk

APPROVALS 0

PROTESTS 0